

3126

IN THE DRAWINGS

A replacement sheet of drawings is presented herewith along with an annotated sheet showing changes made in red ink.

REMARKS

Amendment to the drawings has been made to identify with character references structure originally presented in the drawings.

In addition, the specification has been amended to specifically describe the structure originally presented and claim 1 has been amended to more clearly define the present invention.

Claim 1 has been rejected by the Examiner under 35 USC 112, first paragraph, as failing to comply with the written description requirement. In this rejection, the Examiner has stated that the claim contains subject matter which was not described in the specification in a way as to reasonably convey to one skilled in the relevant art that the inventors at the time the application was filed has possession of the claimed invention. Specifically, the Examiner refers to the concave surface subtending the aperture in the concave and convex surfaces having equal radii.

The Applicants submit that 35 USC 112, first paragraph, simply requires that the claims set forth and circumscribe a particular area with sufficient degree of precision and particularly which is the case here. *In re Moore*, 169 USPQ 236 (CCPA 1971).

The Applicant further submits that drawings alone may provide "written description" of invention as required by 35 USC 112, and they may be used, like written

specification, to provide evidence relevant to claim interpretation, and thus claims, in proceeding before patent and trademark office, must be given their broadest reasonable interpretive consistent with the drawings as well as the specification. *In re Miskinyar*, 28 USPQ 2d 1789 (CAFC 1993); see also *In re Gay*, 135 USPQ 311 (CCPA 1962).

Accordingly, the Applicants submit that the claimed directed to concave and convex surfaces is clearly set forth in the drawings which also show that the surfaces have equal radii.

As presently claimed, this structure also enables sealed rotational engagement of the concave and convex surfaces with one another which is also evident from the drawings and accordingly part of the original disclosure. Thus, the Applicants respectfully requests withdrawal of this rejection.

Claim 1 has been rejected by the Examiner under 35 USC 103(a) as being unpatentable over Gerondale in view of Baudin.

In this rejection, the Examiner acknowledges that Gerondale lacks the concave and convex surfaces. However, relies on Baudin to show convex and concave surfaces.


However, the Applicants submit that Baudin discloses a snap cap 8 which includes a smooth bulge 40 shaped to match the concave side of the membrane 21. Clearly, because of

the hinge nature of the cap, rotational sealed engagement is not possible, nor taught.

Accordingly, the Applicants submit that the Examiner has not made a prima facie case of obviousness with the Gerondale/Baudin combination and respectfully request the Examiner to withdraw the rejection of claim 1 under 35 USC 103(a).

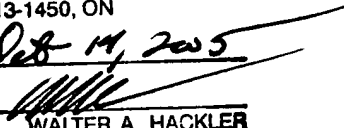
In view of the arguments hereinabove set forth and amendment to the claim and specification, it is submitted that the claim in the application defines patentable subject matter and not anticipated by the art of record and not obvious to one skilled in this field who is aware of the references of record. Reconsideration and allowance are respectfully requested.

Respectfully submitted,


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FIG. 1.

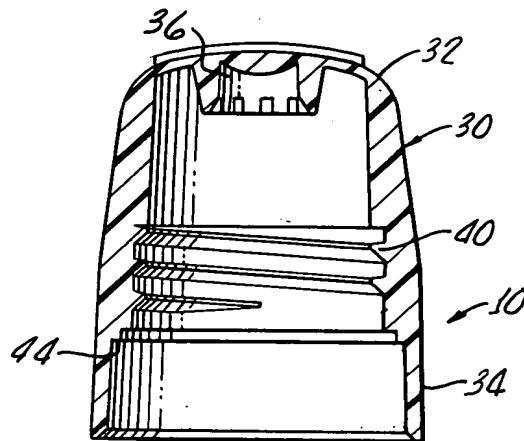
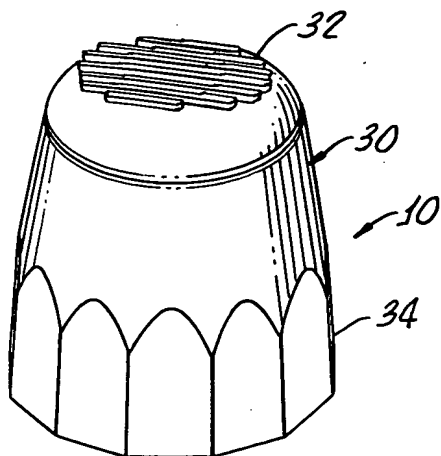


FIG. 2.

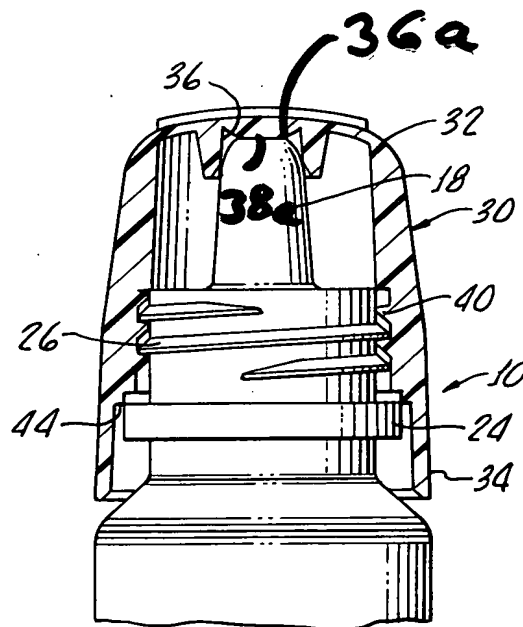
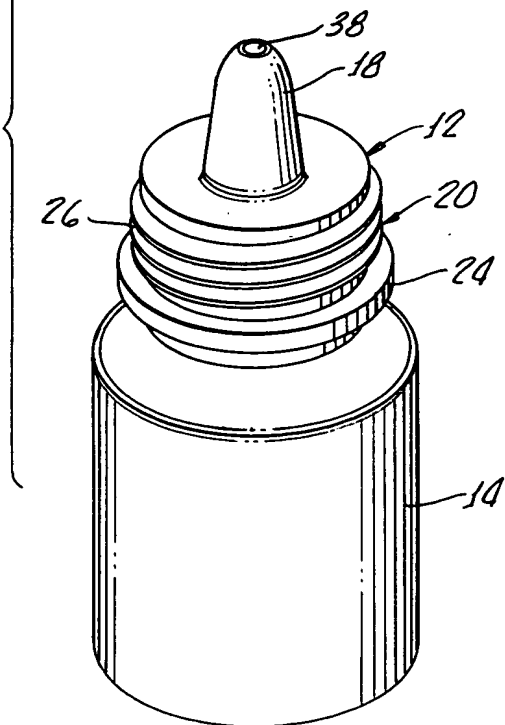


FIG. 3.